

**DEPARTMENT OF THE ARMY**  
**Wilmington District, Corps of Engineers**  
**Post Office Box 1890**  
**Wilmington, North Carolina 28402-1890**  
(<http://www.saw.usace.army.mil/wetlands/notices.html>)

Action ID No. 200330365

October 15, 2003

**PUBLIC NOTICE**

**BANNERLOWE, LLC, c/o COLLETTE & ASSOCIATES, 1228 EAST MOREHEAD STREET, SUITE 200, CHARLOTTE, 28204, has applied for a Department of the Army (DA) permit TO PLACE FILL WITHIN 1.14 ACRES OF JURISDICTIONAL WETLANDS AND 1,243 LINEAR FEET OF STREAM CHANNELS, ADJACENT TO ELK CREEK INCLUDING UNNAMED TRIBUTARIES TO ELK CREEK, IN ORDER TO CONSTRUCT A LOWE'S BUILDING SUPPLY STORE AND AN ADDITIONAL COMMERCIAL BUILDING WITH ASSOCIATED PARKING AND ROAD ACCESS, LOCATED ON THE WEST SIDE OF TYNECASTLE HIGHWAY (NC HWY 184), APPROXIMATELY 1.6 MILES SOUTH OF ITS INTERSECTION WITH NC HWY 194, IN BANNER ELK, AVERY COUNTY, NORTH CAROLINA.**

The following description of the proposed work is taken from data provided by the applicant and from site inspections conducted by representatives of the Corps of Engineers. Plans submitted with the application show the proposed placement of fill material into 1.14 acres of wetlands and 1,243 linear feet of stream channels associated with the construction of a Lowe's Building Supply and additional commercial building including associated parking and road access. This work will involve the placement of approximately 16,000 cubic yards of fill material into wetlands and stream channels located on the site. The site is approximately 29.3 acres in size which includes 20.6 acres allocated to the proposed Lowe's Building Supply (Retail Tract A) and 6.9 acres allocated for the second commercial development (Retail Tract B). There is also an out parcel designated on the site which totals 1.8 acres in size in which no development plans have been submitted at this time. No wetlands or streams exist on the out parcel. The preliminary site plan showing the proposed work is included with this public notice. Most of the wetlands on the site are located in the 100-year flood plain of Elk Creek and originate from springs at the toe of adjacent slopes. These wetlands are not forested and appear to be remnants of a broader network of wetlands that have been impacted historically by cattle, mowing, and filling activities. Stream "A" and "B" are first order tributaries to Elk Creek and originate from spring heads on forested slopes in the south west portion of the property. Stream "B" generally traverses the property through pasture and contains minimal vegetated buffer. Stream "A" crosses the floodplain of Elk Creek and supports a small riparian wetland (wetland 6) that would be impacted by the proposed project.

The applicant proposes to mitigate for impacts to jurisdictional areas through several on-site measures. For stream mitigation, the applicant proposes to relocate 583 linear feet of "Stream A" and 660 linear feet of "Stream B". In addition, the applicant also proposes to restore approximately 471 linear feet of "Stream B" and 373 linear feet of the Elk River. The applicant also proposes to preserve approximately 4.59 acres of stream buffers for all three streams mentioned above. For wetland mitigation, the applicant proposes to create approximately 1.2 acres of wetlands on-site and preserve 1.0 acre of existing wetlands. The preliminary site plan showing the proposed mitigation is included with this public notice. The applicant has also included a storm water plan in the design of the project, which includes the construction of two underground detention basins, and two detention basins located in the floodplain of Elk River. The preliminary site plan showing the proposed storm water detention basins is included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. Based on the best available evidence, it has been determined that no sites within the vicinity of the project are registered or listed as being eligible for inclusion in the Register. Examination of the National Register of Historic Places constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of other such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the

outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

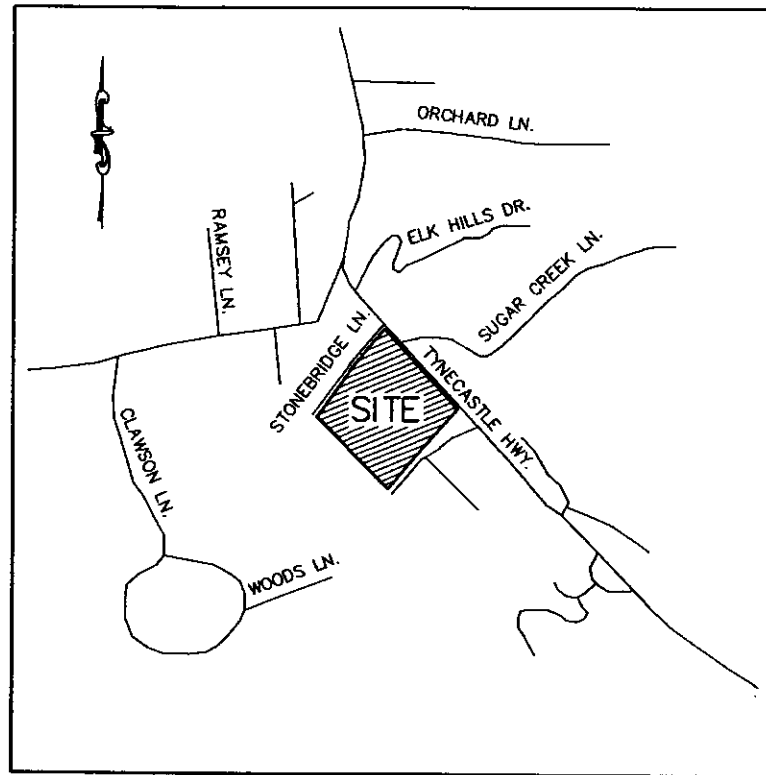
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before Monday, November 7, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Ms. Amanda Jones, until 4:15 p.m. on Monday, November 14, 2003, or telephone (828) 271-7980 extension 7.



**VICINITY MAP**  
N.T.S.

PROJECT :  
**COMMERCIAL  
DEVELOPMENT**

LOCATION :  
**BANNER ELK, NC**

DWG. TITLE :  
**LOCATION MAP**

SCALE : NTS	CHECK : RSS
DRAWN : JTB	DATE : 9/05/03

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CADD FILE : 0230301C Concept8-13-03.dwg
DWG. NO. : 0230301c   SHT. NO. : 1

## SITE DATA

### Acresage:

Retail A Tract	20.6±
Retail B Tract	6.9±
Outparcel #1	1.8±
<b>Total</b>	<b>29.3±</b>

### Retail A Building:

Sales Floor	94,936 S.F.
Office Area	3,530 S.F.
Receiving/Storage	8,000 S.F.
Utility Rooms	1,467 S.F.

### Vestibules:

Main Entrance	1,122 S.F.
Main Exit	395 S.F.
Lumber	480 S.F.

**MAIN BUILDING TOTAL 109,846 S.F.**

### Garden Center:

Shade Structures	8,775 S.F.
Covered Area	7,573 S.F.
Open Area	7,467 S.F.
<b>Garden Center Total</b>	<b>23,815 S.F.</b>

### Retail B Building:

GLA	33,000 S.F.
GFA	38,714 S.F.
Future Expansion	11,700 S.F.
<b>Total</b>	<b>50,414 S.F.</b>

### Retail A Parking Requirements:

Standard	418
Handicapped	12
<b>Total Parking Required</b>	<b>430</b>

Ratio = 3.91 (spaces/1000 sf)

### Parking Provided:

Standard	387
Handicapped	12
<b>Total Parking Provided</b>	<b>399</b>

Ratio = 3.63 (spaces/1000 sf)

### Retail B Parking Requirements:

Standard	245
Handicapped	7

**Total Parking Required 252**

Ratio = 5.00 (spaces/1000 sf)

### Parking Provided:

Standard	223
Handicapped	8

**Total Parking Provided 231**

Ratio = 4.58 (spaces/1000 sf)

PROJECT :

**COMMERCIAL  
DEVELOPMENT**

LOCATION :

**BANNER ELK, NC**

DWG. TITLE :

**SITE DATA**

SCALE : NONE

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

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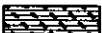


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DWG. NO. : 0230301c SHT. NO. : 2

STREAM IMPACT SUMMARY					
STREAM ID	EXISTING LENGTH	UNDISTURBED LENGTH	RELOCATED LENGTH	RESTORED LENGTH	NET LOSS / GAIN
A	830 LF±	132 LF±	583 LF±	—	—115 LF±
B	1,799 LF±	458 LF±	660 LF±	471 LF±	—210 LF±
ELK RIVER	1,031 LF±	659 LF±	—	372 LF±	+372 LF±

WETLAND IMPACT SUMMARY			
WETLAND ID	EXISTING AREA  & 	IMPACTED AREA 	CREATED AREA 
1	0.046 AC.±	0.034 AC.±	0.028 AC.±
2	0.604 AC.±	0.481 AC.±	0.800 AC.±
3	0.523 AC.±	0.146 AC.±	—
4	0.183 AC.±	0.183 AC.±	—
5	0.726 AC.±	0.238 AC.±	—
6	0.062 AC.±	0.062 AC.±	0.400 AC.±
TOTAL	2.144 AC.±	1.144 AC.±	1.228 AC.±

NOTE: CREATED WETLANDS ARE NOT ALWAYS CONNECTED TO EXISTING WETLANDS.

PROJECT :  
**COMMERCIAL  
DEVELOPMENT**

LOCATION :  
**BANNER ELK, NC**

DWG. TITLE :  
**STREAM AND  
WETLAND IMPACT  
SUMMARY**

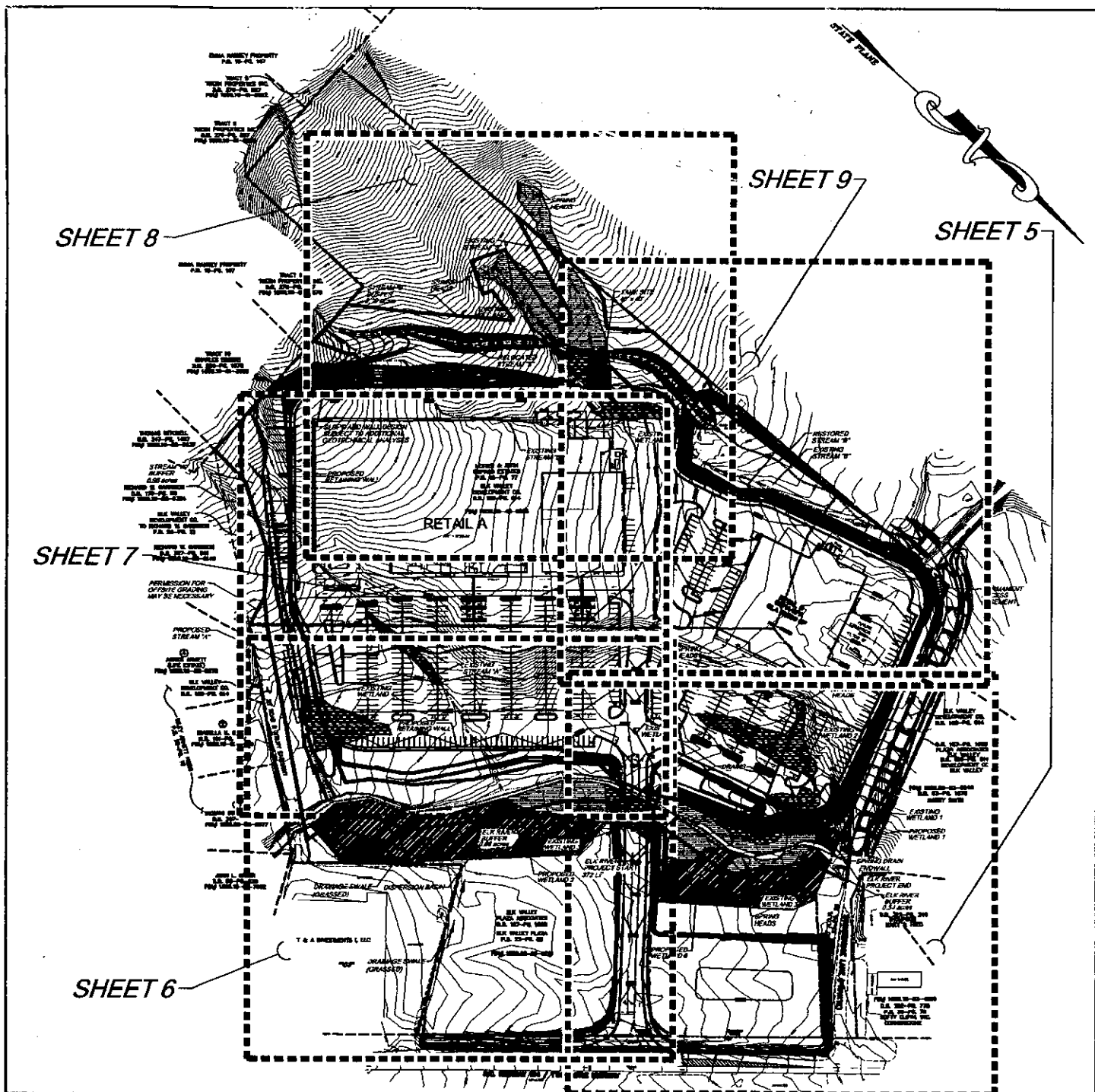
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DWG. NO. : 0230301c      SHT. NO. : 3








PROJECT :  
**COMMERCIAL  
 DEVELOPMENT**

LOCATION :  
**BANNER ELK, NC**

DWG. TITLE :

**SITE PLAN**

### LEGEND

-  EXISTING WETLAND (REMAINING)
-  EXISTING WETLAND (REMOVED)
-  PROPOSED WETLAND
-  EXISTING STREAM
-  PROPOSED STREAM

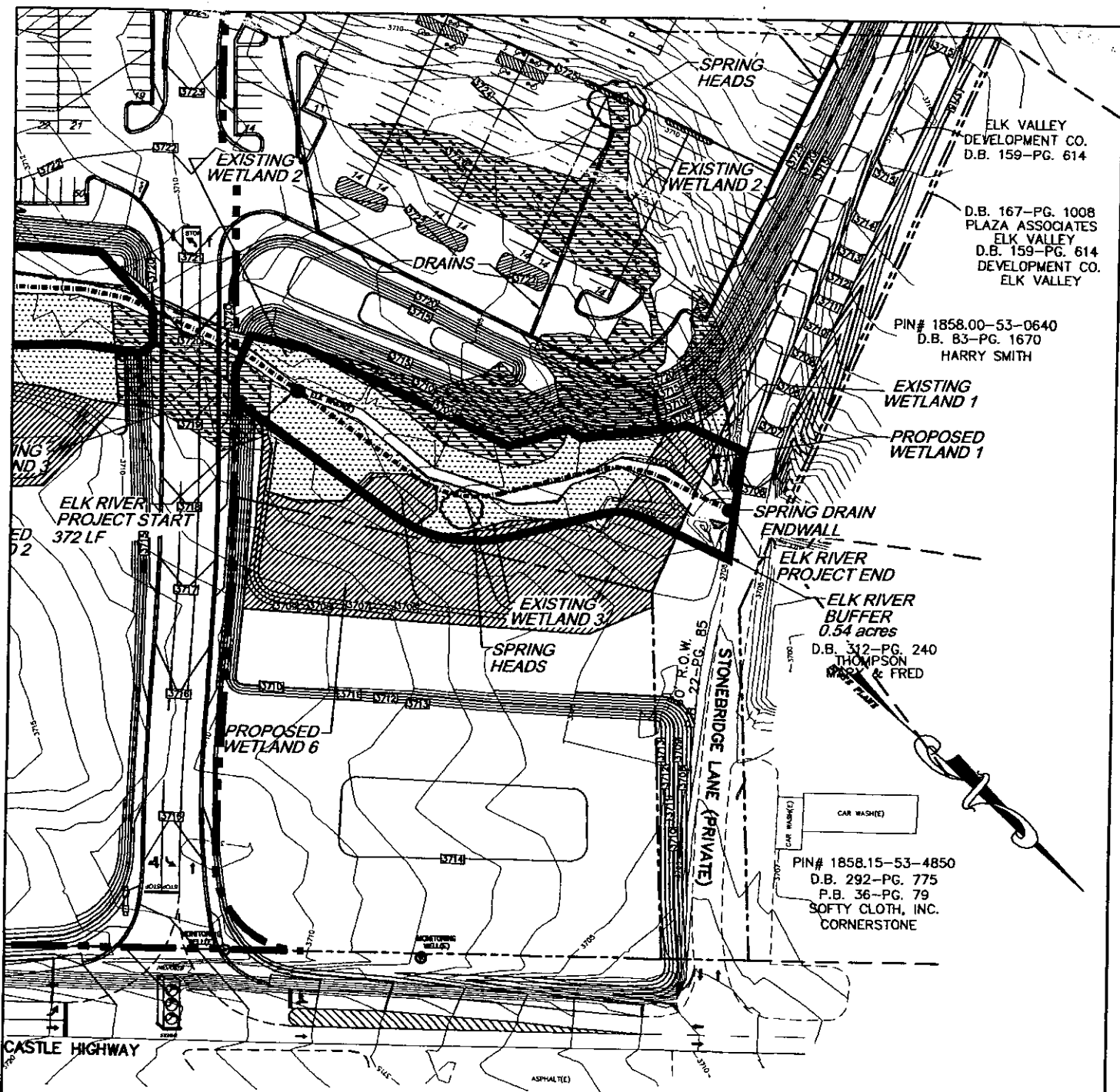
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CADD FILE : 0230301C Concept8-13-03.dwg  
 DWG. NO. : 0230301c      SHT. NO. : 4



PROJECT :

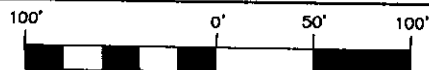
COMMERCIAL  
DEVELOPMENT

LOCATION :

BANNER ELK, NC

DWG. TITLE :

SITE PLAN



SCALE : 1"=100'

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

### LEGEND

- EXISTING WETLAND (REMAINING)
- EXISTING WETLAND (REMOVED)
- PROPOSED WETLAND
- EXISTING STREAM
- PROPOSED STREAM

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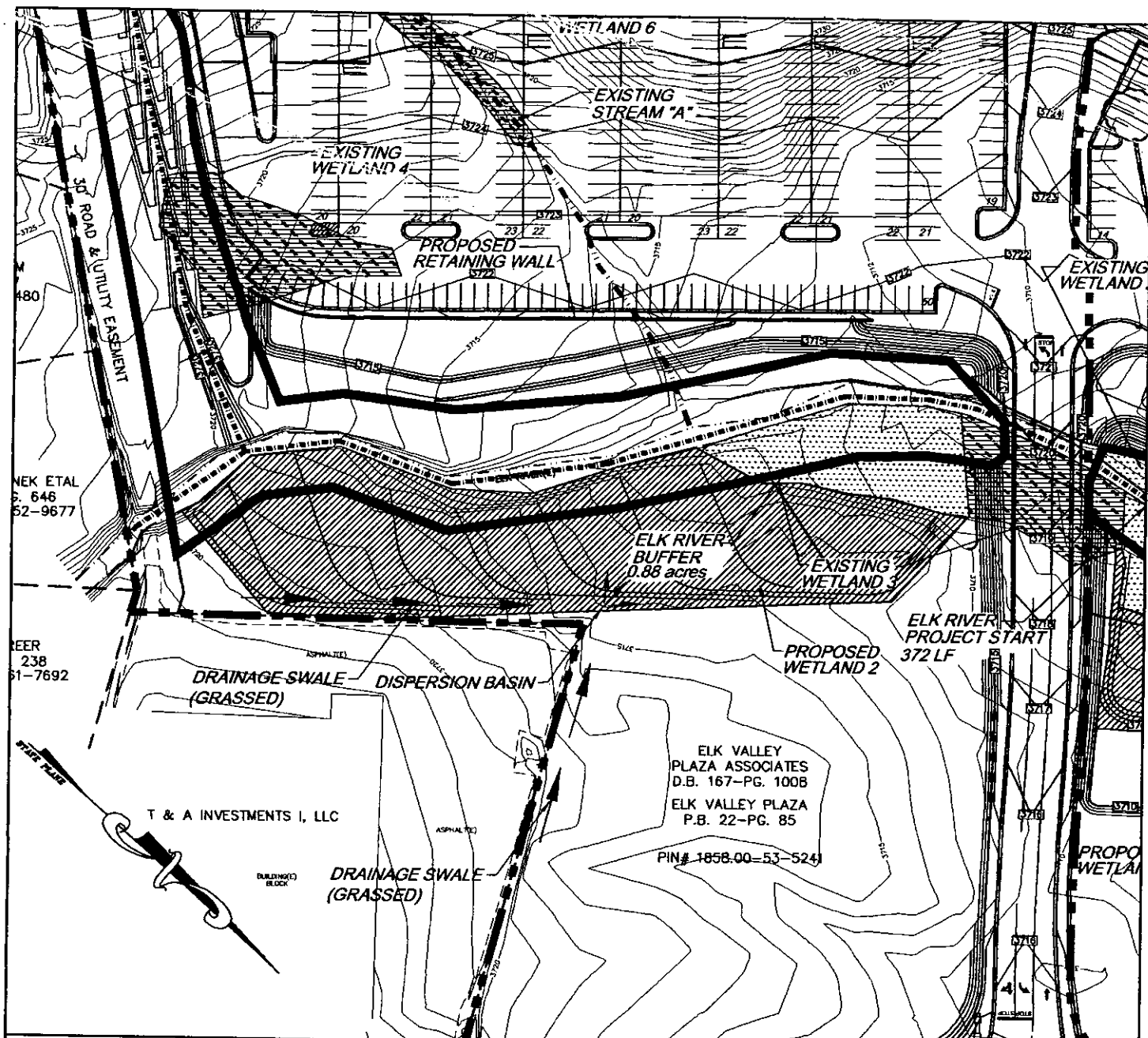
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CADD FILE : 0230301C Concept8-13-03.dwg

DWG. NO. : 0230301c SHT. NO. : 5





### STREAM IMPACT

STREAM ID	EXISTING LENGTH	UNDISTURBED LENGTH	RELOCATED LENGTH	RESTORED LENGTH	NET LOSS / GAIN
ELK RIVER	1,031 LF±	659 LF±	-	372 LF±	+372 LF±

PROJECT :

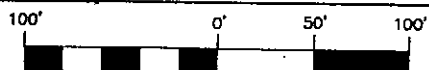
**COMMERCIAL  
DEVELOPMENT**

LOCATION :

**BANNER ELK, NC**

DWG. TITLE :

**SITE PLAN**



SCALE : 1"=100'

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

### LEGEND

- EXISTING WETLAND (REMAINING)
- EXISTING WETLAND (REMOVED)
- PROPOSED WETLAND
- EXISTING STREAM
- PROPOSED STREAM

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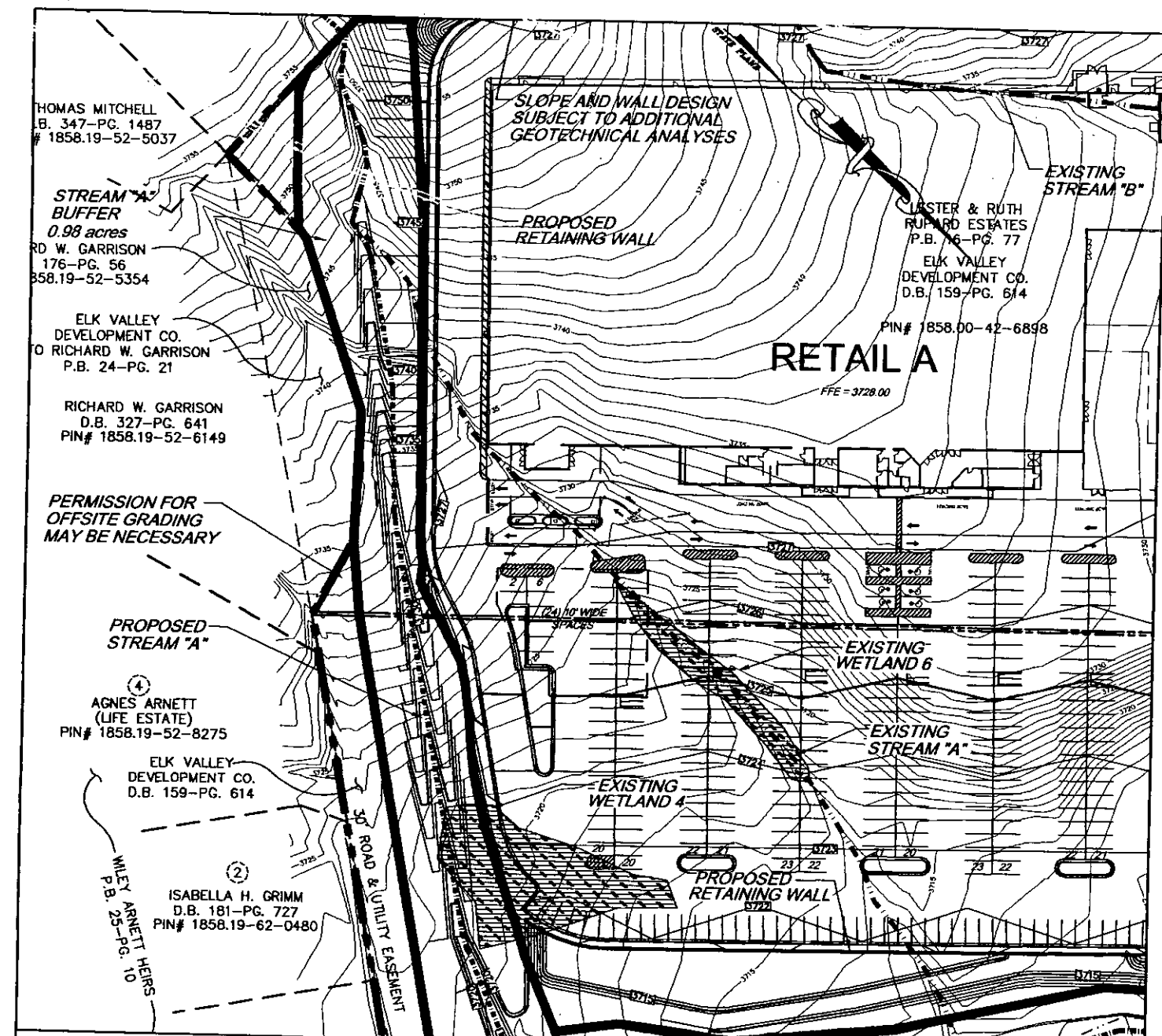
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CADD FILE : 0230301C Concept8-13-03.dwg

DWG. NO. : 0230301c SHT. NO. : 6



### STREAM IMPACT

STREAM ID	EXISTING LENGTH	UNDISTURBED LENGTH	RELOCATED LENGTH	RESTORED LENGTH	NET LOSS / GAIN
A	830 LF±	132 LF±	583 LF±	-	-115 LF±

PROJECT :

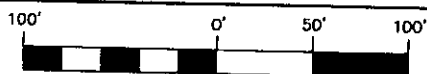
**COMMERCIAL  
DEVELOPMENT**

LOCATION :

**BANNER ELK, NC**

DWG. TITLE :

**SITE PLAN**



### LEGEND

- EXISTING WETLAND (REMAINING)
- EXISTING WETLAND (REMOVED)
- PROPOSED WETLAND
- EXISTING STREAM
- PROPOSED STREAM

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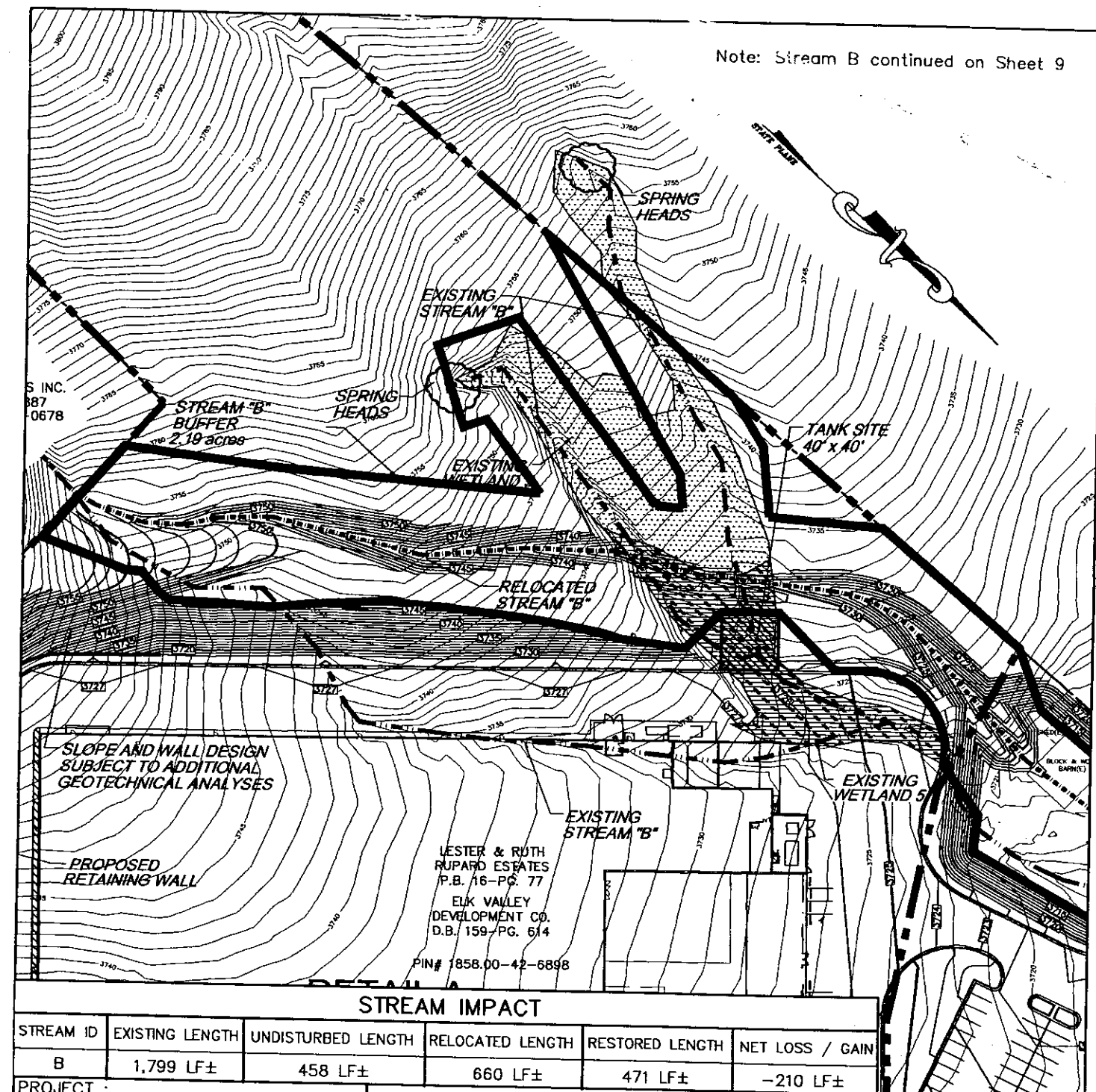
SCALE : 1"=100'

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

Note: Stream B continued on Sheet 9



### STREAM IMPACT

STREAM ID	EXISTING LENGTH	UNDISTURBED LENGTH	RELOCATED LENGTH	RESTORED LENGTH	NET LOSS / GAIN
B	1,799 LF±	458 LF±	660 LF±	471 LF±	-210 LF±

PROJECT :

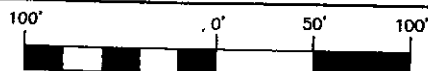
**COMMERCIAL  
DEVELOPMENT**

LOCATION :

**BANNER ELK, NC**

DWG. TITLE :

**SITE PLAN**



SCALE : 1"=100'

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

### LEGEND

- EXISTING WETLAND (REMAINING)
- EXISTING WETLAND (REMOVED)
- PROPOSED WETLAND
- EXISTING STREAM
- PROPOSED STREAM

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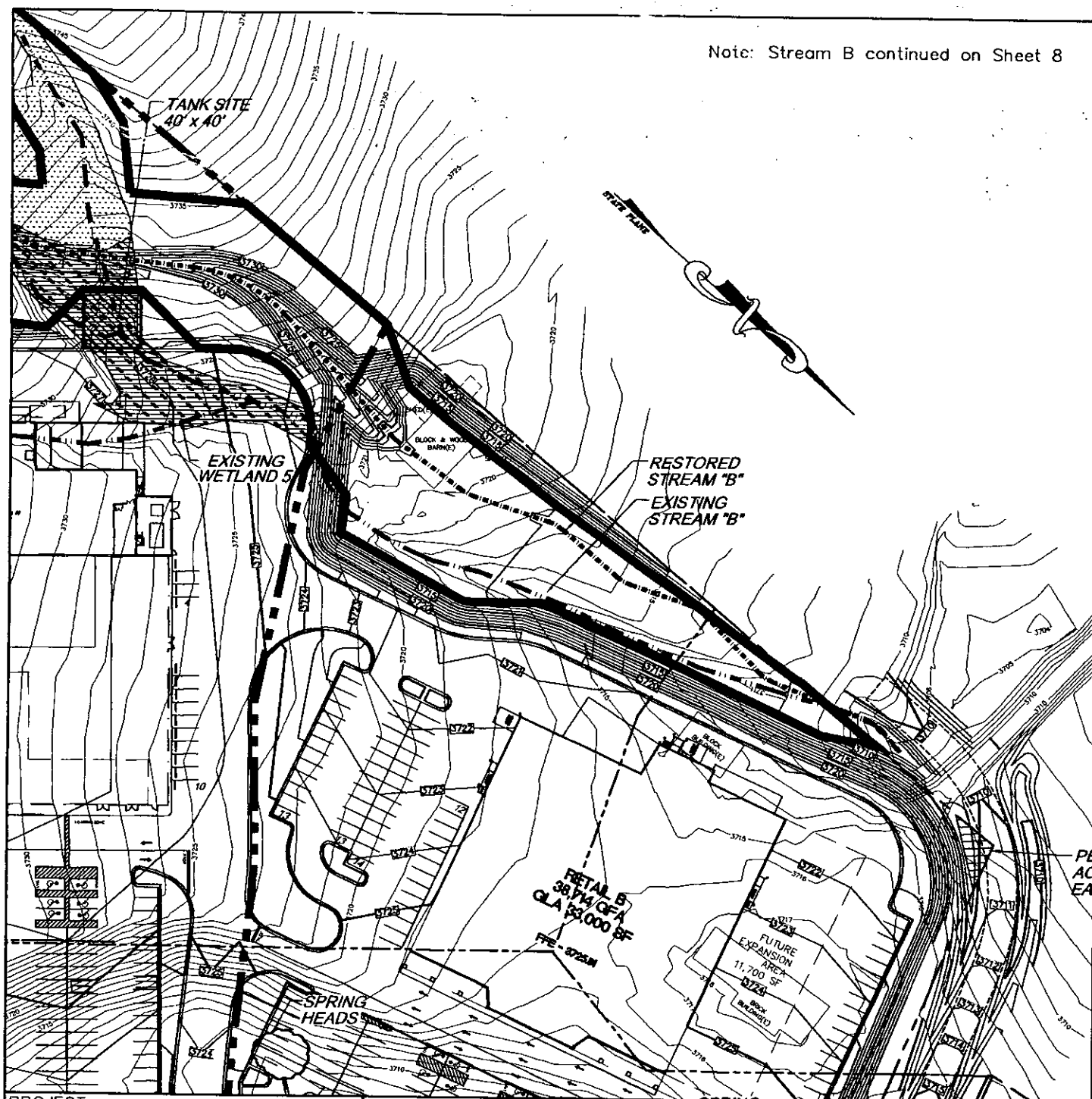
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DWG. NO. : 0230301c

SHT. NO. : 8

Note: Stream B continued on Sheet 8



PROJECT :  
**COMMERCIAL DEVELOPMENT**

LOCATION :  
**BANNER ELK, NC**

DWG. TITLE :  
**SITE PLAN**

SCALE : 1"=100'

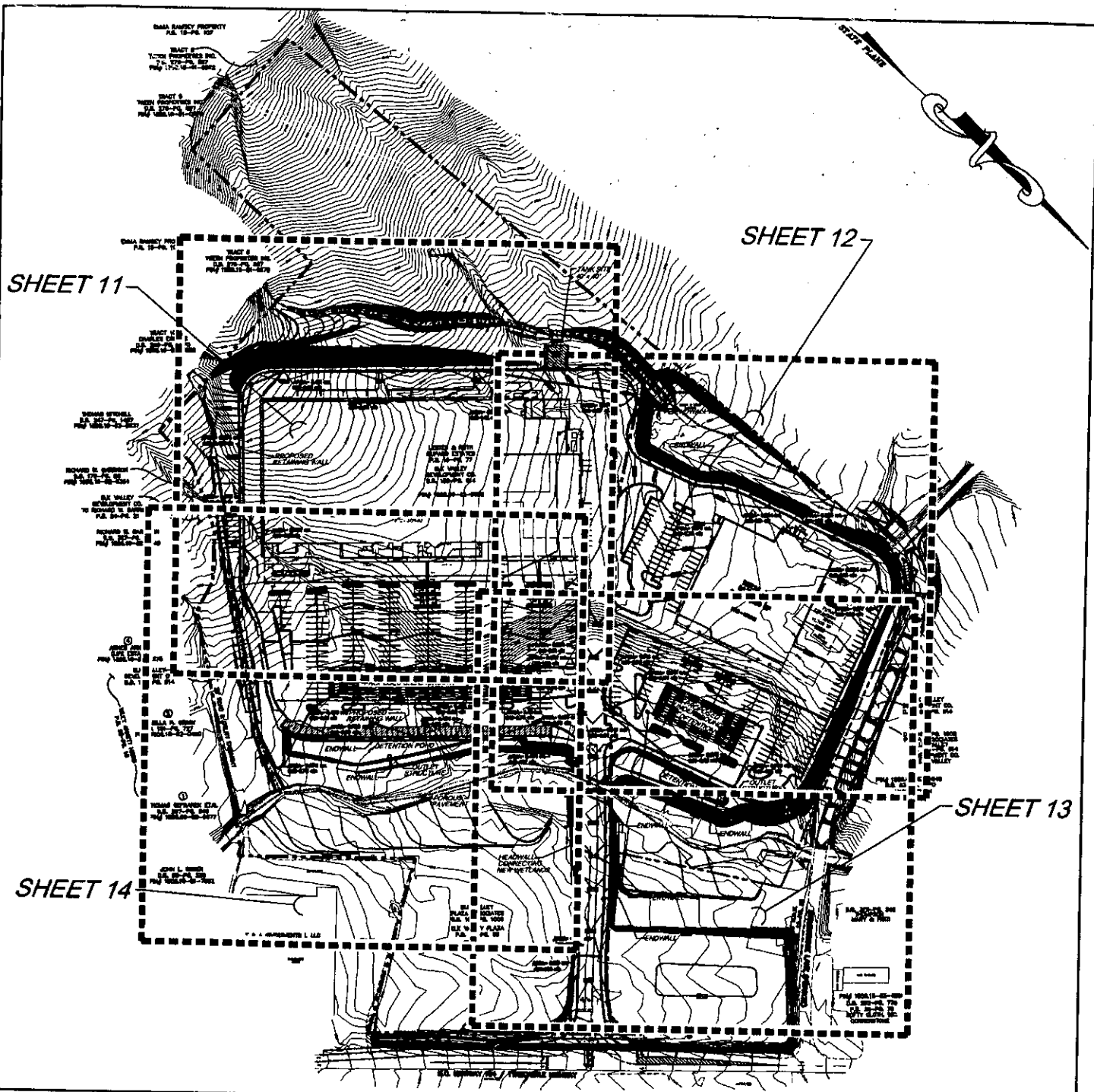
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DATE : 9/05/03

- LEGEND**
- EXISTING WETLAND (REMAINING)
  - EXISTING WETLAND (REMOVED)
  - PROPOSED WETLAND
  - EXISTING STREAM
  - PROPOSED STREAM

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CADD FILE : 0230301c Concept8-13-03.dwg  
DWG. NO. : 0230301c SHT. NO. : 9



PROJECT :

COMMERCIAL  
DEVELOPMENT

LOCATION :

BANNER ELK, NC

DWG. TITLE :

STORMWATER  
SITE PLAN

SCALE : NONE

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

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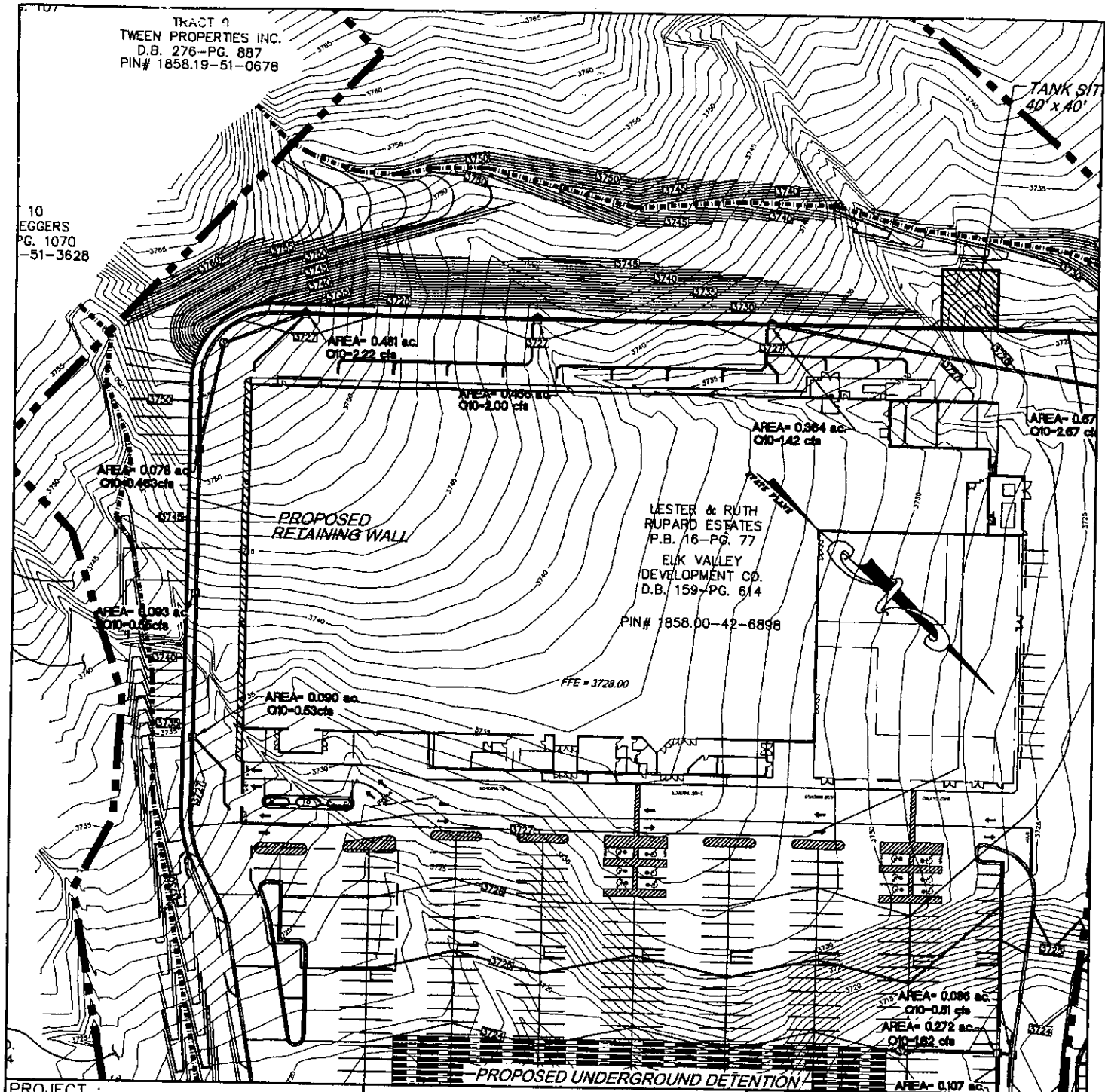
DWG. NO. : 0230301c

SHT. NO. : 10

TRACT 9  
TWEEN PROPERTIES INC.  
D.B. 276-PG. 887  
PIN# 1858.19-51-0678

10  
EGGERS  
PG. 1070  
-51-3628

TANK SIT  
40' x 40'



PROJECT :

COMMERCIAL  
DEVELOPMENT

LOCATION :

BANNER ELK, NC

DWG. TITLE :

STORMWATER PLAN



SCALE : 1"=100'

CHECK : RSS

DRAWN : JTB

DATE : 9/05/03

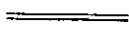
### LEGEND

NEW

DESCRIPTION



PROPOSED STORM



CURB/EDGE OF PAVEMENT

28

PARKING STALL COUNT



LOWE'S PROPERTY LINES



PROPERTY LINES



CART RETURN

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CADD FILE : 0230301C Concept8-13-03.dwg

DWG. NO. : 0230301c SHT. NO. : 11

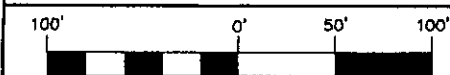




PROJECT :  
COMMERCIAL  
DEVELOPMENT

LOCATION :  
BANNER ELK, NC

DWG. TITLE :  
STORMWATER PLAN



SCALE : 1"=100' CHECK : RSS

DRAWN : JTB DATE : 9/05/03

### LEGEND

NEW	DESCRIPTION
	PROPOSED STORM
	CURB/EDGE OF PAVEMENT
	PARKING STALL COUNT
	LOWE'S PROPERTY LINES
	PROPERTY LINES
	CART RETURN

# TH&P

**TYSINGER, HAMPTON & PARTNERS**

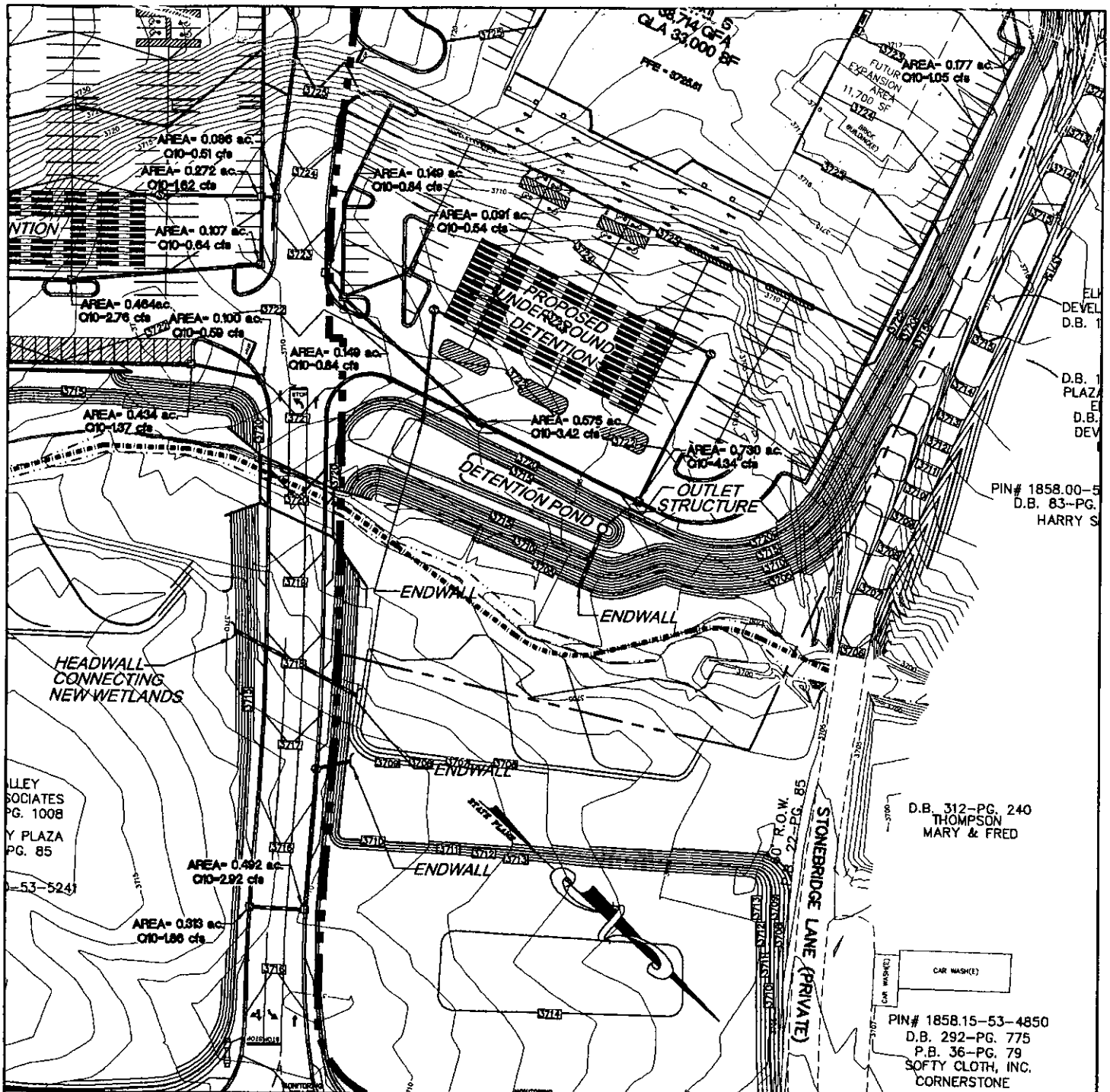
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CADD FILE : 0230301C Concept8-13-03.dwg

DWG. NO. : 0230301c SHT. NO. : 12



PROJECT :  
**COMMERCIAL DEVELOPMENT**

LOCATION :  
**BANNER ELK, NC**

DWG. TITLE :  
**STORMWATER PLAN**

SCALE : 1"=100'

CHECK : RSS

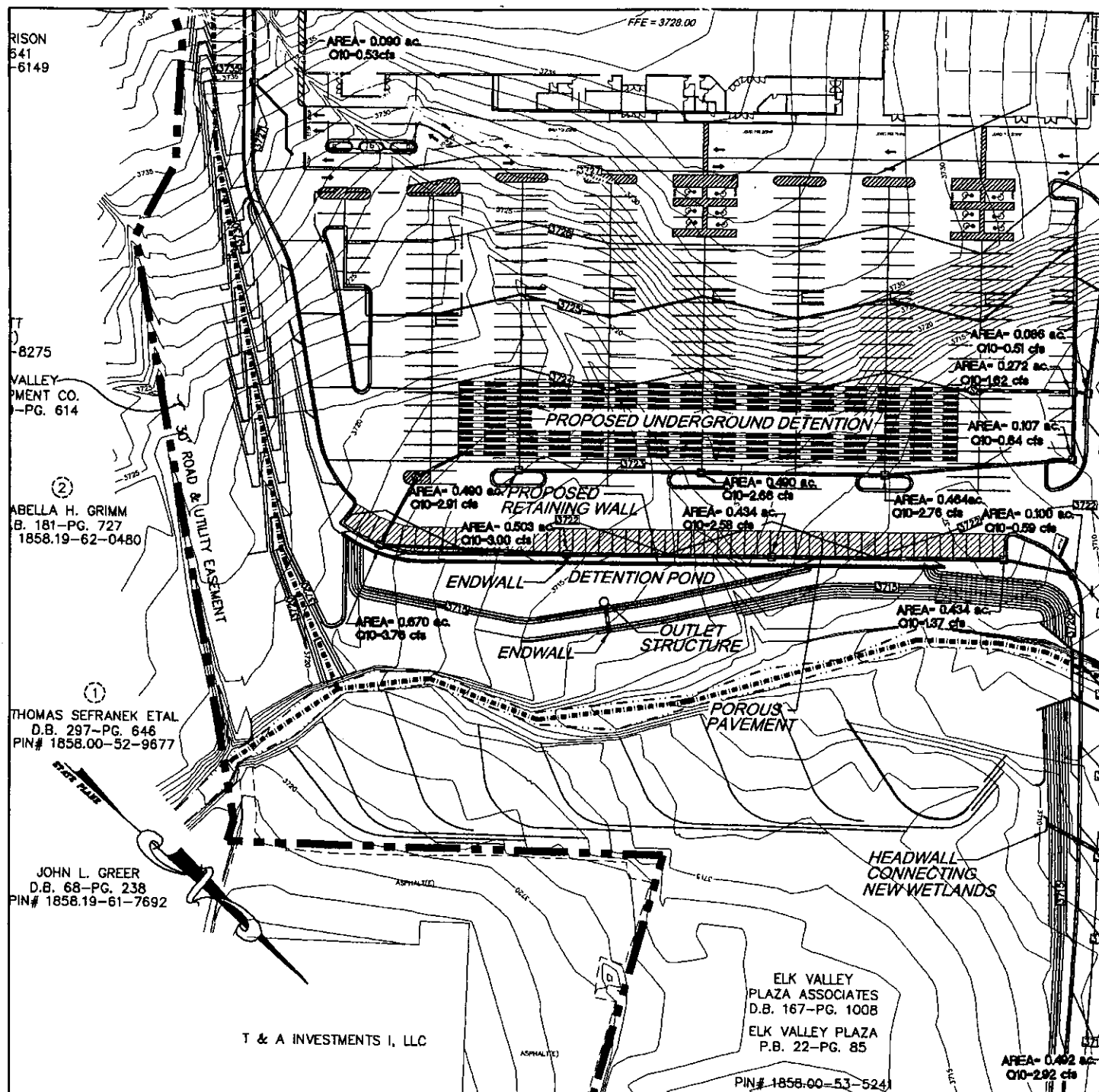
DRAWN : JTB

DATE : 9/05/03






LEGEND	
NEW	DESCRIPTION
	PROPOSED STORM
	CURB/EDGE OF PAVEMENT
	PARKING STALL COUNT
	LOWE'S PROPERTY LINES
	PROPERTY LINES
	CART RETURN

**TH&P**  
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 3428 BRISTOL HWY.  
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 thp@tysinger-engineering.com  
 http://www.tysinger-engineering.com  
 CADD FILE : 0230301C Concept8-13-03.dwg  
 DWG. NO. : 0230301c SHT. NO. : 13





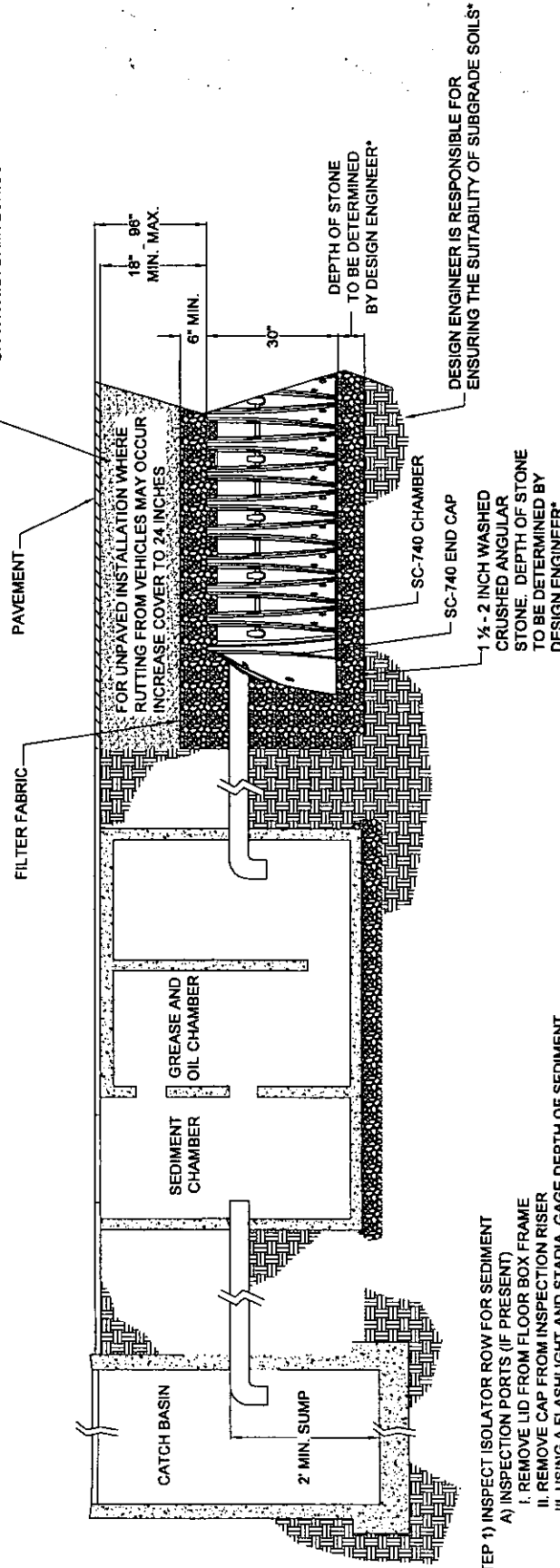
PROJECT :	
COMMERCIAL DEVELOPMENT	
LOCATION :	
BANNER ELK, NC	
DWG. TITLE :	
STORMWATER PLAN	
SCALE : 1"=100'	CHECK : RSS
DRAWN : JTB	DATE : 9/05/03

LEGEND	
NEW	DESCRIPTION
	PROPOSED STORM
	CURB/EDGE OF PAVEMENT
<i>28</i>	PARKING STALL COUNT
	LOWE'S PROPERTY LINES
	PROPERTY LINES
	CART RETURN

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CADD FILE : 0230301c Concept8-13-03.dwg  
DWG. NO. : 0230301c SHT. NO. : 14

WELL GRADED GRANULAR BACKFILL WHICH CONTAIN AN EVEN DISTRIBUTION OF PARTICLE SIZES WITH NO MORE THAN 12% PASSING THE #200 SIEVE COMPACTED TO A MINIMUM OF 95% OF THE STANDARD PROCTOR DENSITY. SEE THE TABLE OF ACCEPTABLE FILL MATERIALS IN STORMTECH'S DESIGN MANUAL, INSTALLATION MANUAL, OR WWW.STORMTECH.COM.



#### NOTES:

- STEP 1) INSPECT ISOLATOR ROW FOR SEDIMENT
- INSPECTION PORTS (IF PRESENT)
    - REMOVE LID FROM FLOOR BOX FRAME
    - REMOVE CAP FROM INSPECTION RISER
    - USING A FLASHLIGHT AND STADIA, GAGE DEPTH OF SEDIMENT
    - IF SEDIMENT IS AT OR ABOVE 3 INCH DEPTH PROCEED TO STEP 2. IF NOT PROCEED TO STEP 3.
  - ALL ISOLATOR ROWS
    - REMOVE COVER FROM MANHOLE AT UPSTREAM END OF ISOLATOR ROW.
    - USING A FLASHLIGHT, INSPECT DOWN ISOLATOR ROW THROUGH OUTLET PIPE
      - MIRRORS ON POLES OR CAMERAS MAY BE USED TO AVOID A CONFINED SPACE ENTRY.
      - FOLLOW OSHA REGULATIONS FOR CONFINED SPACE ENTRY IF ENTERING MANHOLE.
      - IF SEDIMENT IS AT OR ABOVE THE LOWER ROW OF SIDEWALL HOLES (APPROXIMATELY 3 INCHES) PROCEED TO STEP 2.
- STEP 2) CLEAN OUT ISOLATOR ROW USING THE JETVAC PROCESS
- A FIXED CULVERT CLEANING NOZZLE WITH REAR FACING NOZZLE SPREAD OF 45 INCHES OR MORE IS PREFERABLE
  - APPLY MULTIPLE PASSES OF JETVAC UNTIL BACKFLUSH WITH WATER IS CLEAN.
  - VACUUM MANHOLE SUMP AS REQUIRED.
- STEP 3) REPLACE ALL CAPS, LIDS & COVERS
- STEP 4) INSPECT AND CLEAN CATCH BASINS AND MANHOLES UPSTREAM OF THE STORMTECH SYSTEM.

#### STORMTECH SC-740 CHAMBER SYSTEM

##### WATER QUALITY DETAIL

NOT TO SCALE